

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA

v.

DANIEL PATRICK BOYD, a/k/a

“Saifullah;”

HYSEN SHERIFI;

ANES SUBASIC;

ZAKARIYA BOYD, a/k/a “Zak;”

DYLAN BOYD, a/k/a “Mohammed;”

MOHAMMAD OMAR ALY HASSAN;

and

ZIYAD YAGHI,

Defendants.

ORDER

This matter comes before the court on notice given by defendants pursuant to section five of the Classified Information Procedures Act (“CIPA”), 18 U.S.C. app. 3 § 5. Defendants intend to use any and all classified information produced by the United States in this case, but have not yet been given access to any such information. Classified information has been produced to at least one defendant’s cleared counsel. Where other defendants indicate that they do not have access to any classified information, it appears that what was produced was not provided to all cleared defense counsel.

The court, in previous order lodged on the docket at entry 989, expressed its view that the declassification of the information sought would be the most efficient outcome to the issue of Subasic’s motion for access to classified information. Similarly, the court believes that the declassification of such information would promote the most efficient resolution of the issues raised

by defendants in their CIPA § 5 notices. The court is not empowered to order the declassification of evidence; as such, the issues raised must be resolved under the processes of CIPA.

The government is DIRECTED to respond to defendants' notices, with particular reference to the issues discussed herein, pursuant to CIPA § 6 or otherwise, by **June 9, 2011**. This date shall also be the deadline for the government to respond to defendant Subasic's motion at docket entry 986, as supplemented by standby counsel by the close of business today.

SO ORDERED, this the 23rd day of May, 2011.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first name "Louise" is written with a large, ornate capital "L". The middle initial "W." is written in a smaller, simpler script. The last name "Flanagan" is written with a capital "F" and a trailing flourish.

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LOUISE W. FLANAGAN  
Chief United States District Judge